



## PRIVACY POLICY

<b>Policy</b>	<b>PRIVACY POLICY</b>
<b>Aged Care Quality Standard</b>	<b>1 Dignity and Choice</b>
<b>Ratified by Board (date)</b>	29/06/2021
<b>Signed</b>	Signed Original in Master File
<b>Name</b>	Karen Silvester
<b>Position</b>	Chairperson Board of Directors
<b>Review date</b>	01/07/2024

### Background

In order to treat a consumer with dignity and respect, we must respect their privacy. We ensure the behaviour and interactions of our employees, volunteers, contractors and consultants does not compromise consumer privacy. Home Assist Community Services will respect each consumer's right to privacy in how we collect, use and communicate the consumer's personal information.

Health Information is one of the most sensitive types of personal information. It is essential that we respect a consumer's right to privacy in how we collect, use and communicate health information.

Home Assist Community Services will manage all personal information according to law and best practice.

All personal information will be managed according to the [Privacy Act 1988](#), and the Office of the Australian Information Commissioner's (OAIC) [Privacy Principles Guidelines](#), which govern how and when personal information may be collected, handled, stored, accessed, amended, managed, transferred, used and disclosed.

By Home Assist Community Services actions our consumers will feel they are treated with dignity and respect, and, that they can maintain their identity. They will feel that they can make informed choices about their care and services and live the life they choose.

Home Assist Community Services has

- A culture of inclusion and respect for consumers
- Supports consumers to exercise choice and independence
- Respects our consumers' privacy



## Home Assist Community Services Policy Statement

Home Assist Community Services is committed to fostering a culture which values and maintains client and employee confidentiality and dignity in relation to personal and sensitive information in order to create an environment that is respectful of the rights of clients, staff and contractors.

Home Assist Community Services is committed to the privacy and confidentiality of the consumers' personal information, including Health Information. Privacy for the consumer may relate to physical environment, possessions, physical needs, personal relationships, and personal information.

Home Assist Community Services recognises its responsibility to collect, manage, use and disclose personal information in compliance with legislative requirements. Home Assist Community Services respects an individual's right to privacy and undertakes to keep personal and sensitive information in confidence. All clients and staff of Home Assist have a reasonable expectation that Home Assist will protect and appropriately manage the personal information in its possession.

Note: All staff who handle personal or sensitive information are required to be familiar with the Office of the Australian Information Commissioner's [Privacy Principles Guidelines](#), which this policy is predicated on, and in which all staff will receive training in during induction and at regular intervals via refresher training.

## Applicability

This policy applies to

- All categories of employees
- Board of Directors
- All volunteers
- Students on Placement
- Contractors and Consultants whether or not they are employees
- All other service providers.

## Home Assist Community Services Policy Commitment

In order to achieve our commitment to privacy and confidentiality of our consumers' information we

- Gain consent from the consumer prior to gathering and storing their information – at the commencement of service.
- Information on records held by Home Assist Community Services must be provided to the consumers as well as their representatives, and information relating to the process to access their own personal information should they wish.
- Any consumer files held manually or electronically are securely stored and access is restricted to those employees required to do so as part of their usual duties
- All employees sign a confidentiality agreement when first employed which commits them to respecting the privacy and confidentiality of each consumer when we
  - Provide them with care and services
  - Discuss a consumer's care and service requirements



- Store a consumer's personal information whether this relates to general or medical needs of the consumer

### Australian Privacy Principles

Home Assist is committed to, and bound by, the 13 Australian Privacy Principles, which are the cornerstone of the Australian privacy protection framework under the Privacy Act 1988, set out in Table 1 below:

**Table 1**  
**Australian Privacy Principles (APP):**

Principle	Title	Purpose
<a href="#">APP 1</a>	Open and transparent management of personal information	Ensures that Home Assist Community Services manages <a href="#">personal information</a> in an open and transparent way. This includes having a clearly expressed and up to date <a href="#">privacy policy</a> .
<a href="#">APP 2</a>	Anonymity and pseudonymity	Requires Home Assist Community Services to give individuals the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply.
<a href="#">APP 3</a>	Collection of solicited personal information	Outlines when Home Assist Community Services can <a href="#">collect</a> personal information that is solicited. It applies higher standards to the collection of <a href="#">sensitive information</a> .
<a href="#">APP 4</a>	Dealing with unsolicited personal information	Outlines how Home Assist Community Services must deal with unsolicited personal information.
<a href="#">APP 5</a>	Notification of the collection of personal information	Outlines when and in what circumstances Home Assist Community Services must tell an individual about certain matters when collecting personal information.
<a href="#">APP 6</a>	Use or disclosure of personal information	Outlines the circumstances in which Home Assist Community Services may use or disclose personal information that it holds.
<a href="#">APP 7</a>	Direct marketing	Outlines that Home Assist Community Services may only use or disclose personal information for <a href="#">direct marketing</a> purposes if certain conditions are met.
<a href="#">APP 8</a>	Cross-border disclosure of personal information	Outlines the steps Home Assist Community Services must take to protect personal information before it is disclosed overseas.
<a href="#">APP 9</a>	Adoption, use or disclosure of government related identifiers	Outlines the limited circumstances when Home Assist Community Services may adopt a government related identifier of an individual as its own identifier, or <a href="#">use or disclose</a> a government related identifier of an individual.
<a href="#">APP 10</a>	Quality of personal information	Outlines that Home Assist Community Services must take reasonable steps to ensure the personal information it collects is accurate, up to date and



<a href="#"><u>APP 11</u></a>	Security of personal information	complete. Home Assist must also take reasonable steps to ensure the personal information it uses or discloses is accurate, up to date, complete and relevant, having regard to the purpose of the use or disclosure. Outlines that Home Assist Community Services must take reasonable steps to protect personal information it holds from misuse, interference and loss, and from unauthorised access, modification or disclosure. Home Assist has obligations to destroy or de-identify personal information in certain circumstances.
<a href="#"><u>APP 12</u></a>	Access to personal information	Outlines Home Assist Community Services obligations when an individual requests to be given <a href="#"><u>access to personal information</u></a> held about them by Home Assist. This includes a requirement to provide access unless a specific exception applies.
<a href="#"><u>APP 13</u></a>	Correction of personal information	Outlines Home Assist Community Services obligations in relation to <a href="#"><u>correcting the personal information</u></a> it holds about individuals.

### **Process Guidance**

The processes below demonstrate that Home Assist Community Services respect the consumer's privacy and keep their personal information confidential.

#### Respect Privacy and Confidentiality

- Ask permission from consumers before entering their home, room or private areas
- Respect the consumers' personal property e.g. do not use it unless invited to do so or open and read the consumers' mail unless they have requested you to do so as they require assistance.
- Provide privacy for each consumer when delivering personal care activities e.g. bathing, toileting, dressing and personal/intimate relationships and other personal activities e.g. when speaking with visitors and during phone conversations if the consumer and or their representative chooses.
- Treat all information relating to consumers confidentially and when required to share it, do so in a way that maintains their privacy and confidentiality e.g. provide handovers in a private area where information cannot be overheard by persons not meant to have access to this information. This also applies to information given to health care professionals or representatives involved in a consumers' care or services. Any health care professional that requires access to a consumers' electronic records or personal information must provide a request in writing and be approved by the consumer or their representative.

#### Collection and use of Consumer Information



- The consumer's agreement and/or entry to our service includes obtaining consent to collect and share information with relevant professionals for the purposes of care and services.
- The consumer receives a Collection Statement which outlines the types of personal information collected, how it is collected and used, how it may be disclosed and the importance of complete and accurate information.
- We collect personal information from the consumer only, unless they consent to collection includes someone with the authority to provide consent for them, or it is unreasonable or impracticable to do so.
- Staff must not seek more information about the consumer than is necessary to provide care and services.
- Staff must not release consumer information to any third party without the consumers' consent. Any consumer information is released and/or accessible only to those persons with a legitimate interest or need as part of their care or service role.
- Sometimes other personal information must be collected about the consumer's families and social relationships, personal interests, skills, behaviour patterns and financial affairs to provide services. Home Assist Community Services will explain clearly the purpose of this collection to the consumer or their representative.
- Employees will not proceed with client assessment, care coordination or planning processes without consumer consent. If the consumer cannot provide consent, seek consent from the consumers' representative.
- Documentation on all consumer file notes is written objectively, observing
  - Respect for the consumers' feelings and dignity
  - The consumers' right to request and have access to their own records
  - Freedom of information and court requirements that may subpoena consumer files.

#### Advise Consumer of their Right to Access Records

- We will inform consumers of their right to access their information. This will be in their Agreement and Collection Statement provided to consumers when they begin services with Home Assist Community Services. Home Assist Community Services will remind them from time to time of their right to access their information during reviews and the delivery of services.
- Once created consumer files cannot be deleted. A consumer may request an amendment to their record if they believe the information is incorrect and to ensure it is accurate, up to date, complete, relevant, and not misleading. If the consumer is refused to correct this information, Home Assist Community Services must provide written notice to the consumer with reasons and how to submit a complaint about the refusal.
- Consumers wanting access to their own information must submit a request in writing to the Chief Executive Officer. Home Assist Community Services must respond within 14 days of receipt and provide a reason if access is denied.

#### Seek Consent to use consumer images and audio/visual recordings



- If an image or audio/visual recording is required for any purpose, Home Assist Community Services will seek consent from the consumer or their representative using the form titled Consent to Use Information and Images.
- Home Assist Community Services will keep and update a register of consents. On receipt of any written notice of withdrawal of consent, we will check the register before using any image.
- If Home Assist Community Services intend to use consumer images in communication brochures or similar activities, we must obtain written informed consent from the consumer or representative for that situation only. The image cannot be retained for some possible future use.

#### Advise the consumer of their right to complain of privacy breach

- Home Assist Community Services will inform consumers about their right to complain about a privacy breach and the process for making a complaint. This complaint will be dealt with in accordance to Home Assist Community Services Complaint Management Policy.
- Alternately the consumer may complain to the Office of the Australian Privacy Commissioner. This complaint has to be lodged within 6 months of the breach occurring.
- Staff can complain about the handling of personal information by emailing Home Assist Community Services at [ceo@homeassist.org.au](mailto:ceo@homeassist.org.au).
- Clients can complain about the handling of personal information by emailing Home Assist Community Services at [ceo@homeassist.org.au](mailto:ceo@homeassist.org.au), by contacting the NDIS Quality and Safeguards Commission, or by contacting the Office of the Australian Information Commissioner via the process outlined in Home Assist Community Services *Consumer Welcome Guide*.

#### Disclosure of Information to Overseas Recipients

- When disclosing consumer information to people overseas who are not bound by Australian Privacy Principles, we will inform the consumer or their representative that privacy/confidentiality cannot be assured, and they must provide specific consent for this disclosure.

#### Exclusions

- If a significant threat to consumer or staff safety affects the consumer's right to privacy and confidentiality, staff safety will prevail
- We will provide access to consumer records without obtaining consent if
  - There is serious threat to life, health or safety of any individual or public health and safety
  - It would unreasonably infringe the privacy of other individuals
  - The information relates to legal proceedings or is in some way illegal or unlawful

#### **Storage of Personal Information**





In line with Home Assist Community Services' Privacy Procedure, personal information is marked 'confidential' and stored in a secured filing cabinet, accessible only by the Chief Executive Officer or authorised representative, and also stored in a digital format on a secure password protected operating system and only accessible by the Chief Executive Officer or authorised representative to protect it from misuse, loss and unauthorised access, modification or disclosure.

When personal information is no longer needed for the purpose for which it was obtained most of the personal information held by Home Assist Community Services is, or will be, stored in personnel or Consumer files which will be kept for a minimum of 7 years.

### **Disclosure to Participants**

When Home Assist Community Services collects personal information, it must disclose the following information to the participant, as close as possible to the time the information is collected:

- Home Assist Community Service's address and contact details
- the fact, and way in which, Home Assist Community Services is collecting the information
- if collecting personal information is required or authorised by law
- the reasons Home Assist Community Services is collecting the information
- the consequences if Home Assist Community Services does not collect the information
- the circumstances under which Home Assist Community Services would be obliged to share the personal information
- information about Home Assist Community Services' privacy policy
- information about consent to share personal information

### **Employee Information**

Personal information is collected from staff to ensure our employee information is up-to-date for employment related purposes. This information can include job applications, notes made by selection committees during selection processes, employment contracts, copies of academic qualifications, bank account details, medical certificates, or health related information.

### **Record Keeping**

Home Assist Community Services must keep and maintain appropriate records of all personal and sensitive information including, where appropriate:

- personnel information about staff members
- personal and/or sensitive information about consumers
- any action related to information access or correction requests
- the outcome of any action taken

Records must be kept for 7 years from the date the record was made.

This information is marked 'confidential' and stored in a secured filing cabinet, accessible only by the Chief Executive Officer or authorised representative, and also stored in a digital format on a secure password protected operating system and only accessible by the Chief Executive Officer or authorised representative.



### **Purpose for which Personal Information is Collected, Used and Disclosed**

Home Assist collects and holds personal information for a variety of different purposes relating to its functions and activities including:

- performing its employment and personnel functions in relation to its staff and contractors
- performing its service delivery and administrative functions
- complaints handling
- incident management
- contract management
- management of correspondence with external stakeholders

### **Accidental or unauthorised disclosure of personal information**

Home Assist follows the Office of the Australian Information Commissioner's [data breach handling guidelines](#) when handling accidental or unauthorised disclosures of personal information and will take seriously, and deal promptly with, any accidental or unauthorised disclosure of personal information.

If a data or security breach occurs, Home Assist will follow the Office of the Australian Information Commissioner's response process detailed on its [website](#).

All staff must be familiar with this process and will receive training during induction and through annual training refresher courses.

Legislative or administrative sanctions, including criminal sanctions, may apply to unauthorised disclosures of personal information.

### **Anonymity and Pseudonymity**

Under the Australian Privacy Principles, individuals are entitled to the option of not identifying themselves, or of using a pseudonym. Limited exceptions apply if:

- Home Assist Community Services is required or authorised by law or a court or tribunal order to deal with identified individuals
- it is impracticable for Home Assist Community Services to deal with individuals who have not identified themselves

### **Roles and Responsibilities**

Home Assist Community Services' Chief Executive Officer has responsibility for Home Assist Community Services' overall privacy management and administers the Privacy Act 1988, including the following specific responsibilities:

- providing advice on privacy concerns and issues
- ensuring staff are trained in Home Assist Community Services' privacy obligations
- implementing and monitoring adequate security measures to protect privacy of personal/sensitive information
- coordinating, or authorising an officer to coordinate responses to privacy complaints and investigations
- regular review of data collection practices

All staff have the responsibility to respect personal privacy as they collect, access, use or disclose personal information about others in the course of their duties, and to comply with the requirements of the Privacy Act 1988, the Australian Privacy Principles and the





specific requirements of this policy.

All personal and sensitive information access and correction requests, and complaints, must be recorded and submitted to the Chief Executive Officer, or authorised representative, by emailing [ceo@homeassist.org.au](mailto:ceo@homeassist.org.au). If the Chief Executive Officer is the subject of a complaint, then the Chairperson of the Board must be informed immediately.

The Chief Executive Officer, or authorised representative, is responsible for actioning the requests for access to, or correction of, personal or sensitive information, or privacy complaints, and responding to any privacy requests made by the Funding Bodies, the Office of the Australian Information Commissioner or other relevant body, such as the Police.

### **Staff Education and Training**

Home Assist is committed to fostering a culture that promotes continual improvement in all that it does, it achieves this outcome through regular staff training, including in the use of, and compliance with, Home Assist Community Services' Privacy Policy and Information Handling Guidelines.



### Legislation relating to this Policy

This policy is framed in accordance with basic human rights embedded in the United Nations Statements on Human Rights (1948) and the Rights of Disabled Persons (1975) and the following State and Commonwealth Legislation:

Privacy Act 1988

<https://www.legislation.gov.au/Details/C2020C00168>

Right to Information Act 2009 (Qld)

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2009-013>

Aged Care Act 1997

<https://www.legislation.gov.au/Series/C2004A05206>

Aged Care Quality and Safety Commission Act

<https://www.legislation.gov.au/Details/C2018A00149>

National Disability Insurance Scheme Act 2013

<https://www.legislation.gov.au/Details/C2013A00020>

Commonwealth Disability Discrimination Act 1992:

[http://www.austlii.edu.au/au/legis/cth/consol\\_act/dda1992264/](http://www.austlii.edu.au/au/legis/cth/consol_act/dda1992264/)

Queensland Anti-Discrimination Act 1991:

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/A/AntiDiscrimA91.pdf>

### References

Name	Source
Privacy Principles Guidelines	Office of the Australian Information Commissioner
A guide to handling personal information security breaches	Office of the Australian Information Commissioner
Queensland Code of Conduct for Health Care Workers	Queensland Government Department of Health
Code of Conduct	Home Assist Community Services.